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| 7590 | 12/30/2005 | | EXAMINER RAMAKRISHNAIAH, MELUR | |
| Crawford PLLC Suite 390 1270 Northland Drive St. Paul, MN 55120 | | | ART UNIT 2643 | PAPER NUMBER |

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,298

Applicant(s)

BARRACLOUGH, KEITH

Examiner

Melur Ramakrishnaiah

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 12-17, 23-29, and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabavi (GB 2325548A) in view of Schneider et al. (US PAT: 5,929,897, hereinafter Schneider).

Regarding claim 1, Nabavi discloses a surveillance system comprising a second communications system (11, figure 1) communicatively coupled and adapted to transmit image data, a programmable surveillance system (8, figure 1) including a first computer arrangement (1 and 10, figure 1) for processing data including image data, and including a camera (6, figure 1) configured and arranged to capture images, wherein the captured images are processed as data by the first computer arrangement, and wherein the programmable system is configured to receive the request for image data and to automatically access and deliver image to the second communication system, and a second compute arrangement (9, Figure 1) for communicatively coupling with the second communication system and for processing data including image data and configured and arranged to retrieve image data delivered by the first computer arrangement (page 3 line 12 through page 8 line 22). Nabavi differs from the claimed invention in not specifically teaching a first communication system communicatively coupled and adapted to deliver a request for image data so that the first computer

Art Unit: 2643

arrangement is configured to receive the request for image data from the first communication system. However, Schneider teaches a cost effective method for establishing a video communication between a remote station and a central facility by delivering a request for establishing a video call, i.e., image data communication, over a POTS, i.e., a first communication system, and then the central facility, read as the first computer arrangement, is operable to automatically establishing video communication to the high bandwidth channel, i.e., a second communication system, in response to the request received from the first communication system (col. 1 lines 53-61, col. 4 lines 30-41 and col. 5 line 64 through col. 6 line 3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nabavi in having the first communication system communicatively coupled and adapted to deliver a request for image data so that the first computer arrangement is configured to receive the request for image data from the first communication system, as per teaching of Schneider, in order to establish the video communication in a cost effective manner and further, as is well known in the art, POTS provides more reliable communication medium, compared to other communication systems such as Internet for reliable communications purposes.

Regarding claim 2, Nabavi discloses at least one of the first and second communications systems including the Internet, wherein the programmable surveillance system accesses the Internet by logging on to the internet via an Internet service provider (page 4 lines 3-24).

Regarding claims 3-5, Schneider discloses at least one of the first and second

communications system including a plain-old-telephone-system, wireless system or a paging system (col. 6 line 64 and col. 7 line 16).

Regarding claims 12-13, Schneider discloses the first and second communications system including in a single communications system, wherein the communication system includes at least two communication forms (figure 4).

Regarding claim 14, Nabavi discloses the programmable surveillance system being further configured and arranged to gather and deliver image data to the second communications system responsive to the request (page 5 lines 12-18).

Regarding claim 15, Nabavi discloses the camera including a video camera and wherein the image data includes video data (page 3 lines 19-20).

Regarding claims 16-17, Nabavi discloses the programmable surveillance system including a microphone configured and arranged to capture audio, wherein the captured audio is processed as data by the first computer arrangement for transfer over the second communications system, wherein the second computer arrangement processes audio data, wherein the programmable surveillance system is configured and arranged to gather audio in response to the request (page 7 lines 27-28).

Regarding claims 23-24, Nabavi teaches the programmable surveillance system to establish a secure link, i.e., an encrypted link, with the second computer arrangement by encoding the image data including a password prior to deliver the encoded image data over the second communication network, wherein the second computer arrangement is adapted to decode the encoded image data using the password (page 6 lines 8-17).

Regarding claims 25-26, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claims 27-29, Nabavi discloses to gather image data, wherein the image data includes video data as streaming video over the Internet (page 5 lines 9-23).

Regarding claims 31-34, the limitations of the claim are rejected as the same reasons set forth in claims 23-24.

Regarding claim 35, the limitations of the claim are rejected for the same reasons set forth in claims 16-17.

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nabavi in view of Schneider as applied to claim above, and further in view of Fujiwara et al. (JP 09330283A, hereinafter Fujiwara).

Regarding claim 6, the combination of Nabavi and Schneider differs from the claimed invention in not specifically teaching at least one of the first and the second communication systems including an email system. However, Fujiwara teaches a system for alarm monitoring by electronic mail system (abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Nabavi and Schneider in having at least one of the first and the second communication system including an email system, as per teaching of Fujiwara, in order to automatically inform an individual or group of fault occurrence by selecting a reported party according to the fault contents of fault alarm information.

4. Claims 7, 11, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabavi in view of Schneider as applied to claim above, and further in view of Newlin (US PAT: 6,011,579).

Regarding claim 7, the combination of Nabavi and Schneider differs from the claimed invention in not specifically teaching the first communication system including a telephone, wherein the programmable surveillance system is adapted to receive a telephone call from the telephone and, in response to the telephone call, offer an audio menu of choices for delivery of the video data, wherein the telephone is adapted to deliver a response to the audio menu, and wherein the programmable surveillance system is further adapted to respond to the response to the audio menu. However, Newlin teaches a video access apparatus (150, figure 3) being adapted to receive a call from a telephone (295, figure 3) and offer an audio menu of choice for establishing video communication including delivering video data, in order to make user friendly (col. 16 line 10 through col. 17 line 51). Therefore, 'it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Nabavi and Schneider including the telephone, wherein the programmable surveillance system is adapted to receive the telephone call from the telephone and offer the audio menu of choices for delivery of the video data in response to the telephone call, as per teaching of Newlin, in order to make user friendly.

Regarding claim 11, Nabavi discloses the programmable surveillance system (8, figure 1) is programmed with an access code and adapted to request the access code in response to a call and automatically access and deliver image data to the second

communication system in response to the access code being entered (page 5 lines 6-18 and 24-31). Nabavi differs from the claimed invention in not specifically teaching the first communication system including telephone. However, Newlin teaches a video access apparatus (150, figure 3) being adapted to receive a call from a telephone (295, figure 3) for deliver image data in response to the call from the telephone in order to make user friendly (col. 16 line 10 through col. 17 line 51). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nabavi including the telephone, as per teaching of Newlin, in order to make user friendly.

Regarding claim 36 and 37, the limitations of the claim are rejected for the same reasons as set forth in claim 7.

5. Claims 9-10 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabavi in view of Schneider as applied to claims above, and further in view of Richard III et al. (US PAT: 5,790,174, hereinafter Richard).

Regarding claims 9- 10, Nabavi teaches the programmable surveillance system automatically accessing and delivering image data (page 8 lines 13-1%. The combination of Nabavi and Schneider differs from the claimed invention in not specifically teaching the request for image data including the provision of a caller ID number, wherein the programmable surveillance system is programmed with at least one stored caller ID number, and wherein the programmable surveillance system is adapted to detect the caller ID number of the request and compare the caller ID number with the at least one stored caller ID number and, in response to detecting a match,

Art Unit: 2643

wherein each of the at least one stored caller ID numbers includes a programmable communications delivery method, and wherein the programmable surveillance system is adapted to automatically access and deliver image data via the programmed communications delivery method corresponding to the matched caller ID number.

However, Richard teaches to provide surveillance video data from a video information provider to subscriber including the provision of a user ID, wherein the video information provider is adapted to check whether the user ID is valid by comparing with at least one stored user ID number (col. 9 lines 55-59) in order to identify the subscriber for interactive video control. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Nabavi and Schmeider in including the provision of a caller ID number, wherein the programmable surveillance system is programmed with at least one stored caller ID number, and wherein the programmable surveillance system is adapted to detect the caller ID number of the request and compare the caller ID number with the at least one stored caller ID number and, in response to detecting a match, wherein each of the at least one stored caller ID numbers includes a programmed communications delivery method, and wherein the programmable surveillance system is adapted to automatically access and deliver image data via the programmed communications delivery method corresponding to the matched caller ID number, as per teaching of Richard, in order to identify the subscriber for interactive video control.

Regarding claim 30, the limitations of the claim m'e rejected as the same reasons set forth in claims 9-10.

6. Claims 18-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabavi in view of Schneider as applied to claims above, and further in view of Mun et al. (US PAT: 6,094,213, hereinafter Mun).

Regarding claims 18-20, the combination of Nabavi and Schneider differs from the claimed invention in not specifically teaching the programmable surveillance system includes a videoconferencing device, wherein the videoconferencing device has a multi-processor architecture that processes video data using a specialized DSP arrangement and a built in display. However, Mun teaches a computer conferencing system with videophone connection function having multiprocessor architecture that processes video data using specialized DSP (figure 4 and col. 4 line 46 through col. 5 line 22) and a built-in display (figure 4). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Nabavi and Schneider in having videoconferencing device, wherein the videoconferencing device has the multi-processor architecture that processes video data using the specialized DSP arrangement and the built in display, as per teaching of Mun, in order to enable video conferencing between computer surveillance systems.

Regarding claim 21, Nabavi discloses the programmable surveillance system including a built-in integrated internet circuit access arrangement (figure 1).

Regarding claim 22, Mun teaches the second computer arrangement including a video conferencing device (col. 2 lines 38-51 and col. 6 lines 11-28).

7. Claim 8 is allowed.

Response to Arguments

8. Applicant's arguments filed on 10-17-2005 have been fully considered but they are not persuasive.

Rejection of claims 1-5, 12-17, 23-29, 31-35 under 35 U.S.C 103(a) as being obvious over Nabavi (GB 2325548) in view of Schneider et al. (US PAT: 5,929,897, hereinafter Schneider): regarding rejection of the above claims, Applicant argues in the last paragraph of page 10 of his response to office action dated July 12, 2005 to the effect that Nabavi and Schneider cannot be combined and go into enormous lengths to allege that office action has not given any reason to combine the references other than asserting that skilled artisan would introduce a first communication service ('897 POTS) communicatively coupled and adapted to deliver a request for image data in order to establish video communication with alarm controller 1 and /or computer 19 of the '548 reference. Contrary to applicant's allegation that the office action has not given any reasons to combine the references, office action clearly states that Schneider teaches a cost effective method for establishing video communication between a remote station and a central facility by delivering a request for establishing a video call, i.e., image data communications, over a POTS, i.e., a first communication system, and then the central facility, read as the first computer arrangement, is operable for automatically establishing video communication to the high bandwidth channel, i.e., a second communication system, in response to the request received from the first communication system (col. 1, lines 53-61, col. 4 lines 30-41 and col. 5 line 64 through col. 6 line 3). Therefore one of ordinary skill in the art at the time invention was made

Art Unit: 2643

would be motivated to modify Nabavi's system in having a first communication system communicatively coupled and adapted to deliver a request for image data so that first computer arrangement is configured to receive request for image data from the first communication system, as per teaching of Schneider, in order to establish the video communication in cost effective manner and further, as is well known in the art POTS provides more reliable communication medium, compared to other communication systems such as internet for communication purposes. Applicant further argues that rationale for combining Nabavi with Schneider is arrived at hindsight. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Applicant further continues to allege in the last two paragraphs of page 11 of his response dated 10-17-2005, that the combining of Nabavi with Schneider is not proper which is not persuasive because as explained above one of ordinary skill in the art would be motivated to combine Nabavi with Schneider for reasons set forth above.

Applicant further argues in last paragraph of page 11 of his response dated 10-17-2005 that central monitoring station 8 does not correspond to the claimed programmable surveillance system because it does not include a camera configured

Art Unit: 2643

and arranged to capture images. Regarding this as set forth in the office action above, Nabavi teaches the following: programmable surveillance system (8, fig. 1) which indicates general arrangement that includes a first computer arrangement (1, fig. 1) for processing image data, and including a camera (6, fig. 1, page 3 line 12 through page 8 line 22). Nabavi's item (1, fig. 1) corresponds to applicant's programmable surveillance system (130, fig. 1) of applicant's drawing. Applicant further alleges that no portion of '548 reference has been identified as receiving a request for image data and in response and in response to automatically and delivering image data to a second communication system. Contrary to applicant's interpretation of Nabavi reference teaches the following: receiving a request for image data and in response and in response to automatically and delivering image data to a second communication system (page 6, line 7 – page 7, line 26) which is clearly set forth in the office action above.

In light of above explanation, rejection of claims 1-37 is maintained as set forth in the office action above.

9. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2643

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643